

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 ROSALBA MAYORGA,

9 Plaintiff,

10 v.

11 STATE OF WASHINGTON,  
12 DEPARTMENT OF SOCIAL AND  
13 HEALTH SERVICES,

14 Defendant.

NO. C17-0934RSL

ORDER DENYING MOTION FOR  
EXTENSION OF TIME

15 This matter comes before the Court on plaintiff's "Motion for Relief from Deadlines to  
16 File Amended Response Memorandum." Dkt. # 39. This matter was originally scheduled for  
17 trial on September 10, 2018. On August 21, 2018, the Court continued the case management  
18 deadlines and extended the date by which dispositive motions had to be filed until September 6,  
19 2018. Defendant filed a motion for summary judgment on that date, and plaintiff timely  
20 responded. The response consists of a 36 page memorandum, a 36 page declaration from  
21 plaintiff, and 188 pages of exhibits. Dkt. # 35-36.  
22

23 On October 4, 2018, six days after defendant filed its reply, plaintiff requested permission  
24 to replace her response memorandum with an entirely new, 24-page document. The justifications  
25 given are that (a) plaintiff suffered a traumatic brain injury in a September 2013 accident,  
26  
27

28 ORDER DENYING MOTION  
FOR EXTENSION OF TIME - 1

1 (b) plaintiff's counsel had to attend to family matters on September 23rd and 24th, the last two  
2 days before the response deadline, and (c) plaintiff's husband was ill for some unspecified  
3 period of time and not available to assist counsel in drafting the original response. Plaintiff's  
4 injury, and her employer's response thereto, gave rise to this litigation. There is no indication  
5 that any new or unexpected event related to her condition prevented a response to defendant's  
6 motion within the normal 18-day period. Counsel's scheduling issues cannot possibly justify a  
7 second bite at the response apple. His professional calendar should have been open given the  
8 original trial date and the advance notice of when this motion for summary judgment would be  
9 filed. His personal calendar, while less predictable, apparently impacted only the last two days of  
10 the response period. With regards to Mr. Dahlstrom's illness, he says only that he "recently"  
11 needed to take medication and missed two week's of work. Dkt. # 40 at 3-4. It is not clear when  
12 Mr. Dahlstrom was ill, how that illness affected his ability to advise his wife, or why his input  
13 was necessary given the fact that plaintiff had already submitted a lengthy declaration with the  
14 original response.<sup>1</sup>


15  
16  
17 The rules of this district regarding noting dates and briefing schedules are clear. In order  
18 to obtain an extension of time after the relevant deadline has passed, plaintiff must satisfy the  
19 good cause standard of Fed. R. Civ. P. 16. She has not done so. Plaintiff filed a timely response  
20 and has not established good cause for an untimely second submission, especially when the  
21 request for an extension of the briefing schedule was filed only after defendant filed its reply  
22 memorandum.  
23  
24

---

25  
26 <sup>1</sup> If plaintiff is incapable of pursuing this litigation in her own right, plaintiff's counsel shall  
27 immediately notify the Court of that fact.

1 For all of the foregoing reasons, plaintiff's motion for relief from deadline (Dkt. # 39) is  
2 DENIED.

3  
4 Dated this 24th day of October, 2018.

5 

6 Robert S. Lasnik  
7 United States District Judge  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28